

Hazardous Materials Bulletin

CANADIAN HM SHIPMENTS TO U.S. DESTINATIONS

Updated December 2005

With Michigan being a Canadian border state, it is important that we understand how the Federal Hazardous Materials Regulations (FHMR) apply to Canadian motor carriers of hazardous materials who cross the border into the United States. Section 171.12a of the FHMR provides regulations for Canadian hazardous materials shipments and packages. Generally speaking, a Canadian carrier who is compliance with their hazardous materials regulations, known as the Transport Dangerous Goods (TDG) Act, would be allowed to enter or pass through the U.S. en route to their destination or return to Canada with an empty bulk package. Section 171.12a explains in detail the exceptions, conditions and limitations to this generality.

Regardless of Parts 172, 173, and 178, a hazardous material that is classed, marked, labeled, placarded, described on a shipping paper and packaged in accordance with the TDG may be offered for transportation and transported to or through the United States by vehicle or rail car if the conditions and limitations of Section 171.12a (b) (1) through (20) are met.

A common example of this is a shipment from Canada containing drums of flammable Paint Related Material, Class 3, UN 1263, PG II with an aggregate gross weight of 1,050 pounds. The FHMR would require placards for flammable liquids on this shipment because it exceeds 1,001 lbs (454 kg) BUT because we must honor the TDG, placards would not be required. The TDG states that placards are required for transportation of class 3 materials when the total gross mass of the material exceeds 500 kg (1102 lbs).

This bulletin will summarize the conditions and limitations Section 171.12a. As always, compliance and/or enforcement must be based on the actual regulation.

Subparagraphs 1, 2, and 3 states that when a material is regulated in the TDG but not in the FHMR, it is acceptable for those materials to be transported in the U.S. when described, marked, and labeled in accordance with the TDG. Likewise, if a material is not regulated by the TDG, but is by the FHMR, it must be transported in accordance with the FHMR and cannot use Section 171.12a. Lastly, if a material or package is forbidden according to Section 173.21, it cannot be transported under the provisions of Section 171.12a.

Subparagraph 4 requires that Class 1 materials (explosives) be classed, approved, and marked in accordance with Part 173 and Section 172.320 of the FHMR.

Subparagraph 5 addresses materials which are poisonous by inhalation according to the FHMR. It says the shipping description must always include the words *Toxic Inhalation Hazard* or *Poison Inhalation Hazard* or *Inhalation Hazard* as required in Section 172.203(m). Materials which are poisonous by inhalation must also be packaged and marked in accordance with the FHMR. This subparagraph also provides conditions and limitations of the use of TDG compliant Division 2.3 and 6.1 labels and placards on Canadian shipments. They may be used but only on a package transported inside a closed freight container, however, the freight container must be marked with the identification numbers in the manner specified in Section 172.313(c) and placarded as required by Part 172, Subpart F. TDG compliant placards and marking may be displayed at the same time. Lastly, packages containing anhydrous ammonia must be labeled or placarded in accordance with the FHMR and the shipping papers must indicate that the packages are marked, labeled and placarded in accordance with both the TDG regulations and Section 171.12a(B)(5).

Subparagraph 6 requires that all shipping descriptions shall be in English and only abbreviations authorized in the FHMR can be used. It also says that identification numbers preceded by "PIN" are not authorized.

Subparagraph 7 says that shipments must conform to the requirements of Subpart G of Part 172 for emergency response information.

Subparagraph 8 says that Class 7 (radioactive) shipments must comply with Section 171.12(d) of the FHMR.

Subparagraph 9 states that shipments of waste must be described as waste on the shipping papers and must comply with Section 172.205 for waste manifests.

Subparagraph 10 necessitates that hazardous substances must meet the requirements of Sections 172.203(c) and 172.324.

Subparagraph 11 requires that poisonous materials conform to the requirements of Section 172.203(m).

Subparagraph 13 mandates that for a TDG authorized package to be used in place of an otherwise required UN specification package, the TDG package must correspond with DOT specifications or UN package specifications. The same applies to cylinders.

Subparagraph 14 states that any ammonium nitrate fertilizer or ammonium nitrate mixed fertilizer can not meet the definition of a Class 1 (explosive) material.

Subparagraph 18 specifies that self-reactive materials and organic peroxides that are not identified by a technical name in the Self-Reactive Materials Table in Section 173.224(b) or the Organic Peroxides Table in Section 173.225(b) must be approved by the associate Administrator in accordance with Sections 173.124(a)(2)(iii) and/or 173.128(d) respectively.

Subparagraph 20 says that no person may offer an IM or UN portable tank containing a Class 3, PG I or II, or III with a flash point less than 100 °F; Division 5.1, PG I or II; or Division 6.1, PG I or II, for unloading while it remains on a transport vehicle with the motive power unit attached, unless it conforms to the requirements in section 177.834(o) of this subchapter.

This is not a complete list of the conditions and limitations set forth in Section 171.12a, but merely a summary of ones enforcement personnel or persons seeking compliance may encounter most often.

The FHMR can be viewed online at <http://hazmat.dot.gov>. Transport Canada's TDG Act can be viewed online at <http://www.tc.gc.ca/tdg/clear/tofc.htm>.

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